

been shipped by Wakem & McLaughlin Co., from Chicago, Ill., on or about November 16, 1922, and transported from the State of Illinois into the State of Iowa, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Bountiful Brand Evaporated Milk."

Adulteration of the article was alleged in the libel for the reason that it was an animal substance and was in whole or in part filthy, decomposed, and putrid.

On April 23, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12645. Misbranding of cottonseed meal and cake. U. S. v. Algernon Roberts, John S. Le Clercq, and John J. Culbertson, Jr. (Prairie Cotton Oil Co.). Pleas of guilty. Fine, \$300 and costs. (F. & D. No. 17935. I. S. Nos. 10440-v, 10441-v, 10442-v.)

On April 12, 1924, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Algernon Roberts, John S. Le Clercq, and John J. Culbertson, Jr., trading as the Prairie Cotton Oil Co., Chickasha, Okla., alleging shipment by said defendants, in violation of the food and drugs act, in various consignments, namely, on or about October 30, November 2, and November 7, 1922, respectively, from the State of Oklahoma into the State of Kansas, of quantities of cottonseed meal and cake which were misbranded. The articles were labeled variously in part: (Tag) "'Chickasha Prime' Cottonseed Cake or Meal Guaranteed Analysis: Protein, not less than 43 per cent," "'Chickasha Quality' Cottonseed Cake or Meal Guaranteed Analysis: Protein, not less than 43 per cent Crude Fat, not less than 6 per cent," and "43% Cotton Seed Cake or Meal Prairie Cotton Oil Company * * * Chickasha, Oklahoma Guaranteed Analysis Protein, not less than 43 per cent."

Analysis of a sample from each of the consignments by the Bureau of Chemistry of this department showed that the said samples contained 40.98, 41.49, and 39.84 per cent, respectively, of crude protein. Analysis of a sample of the "Chickasha Quality" cake or meal by said bureau showed that it contained 5.68 per cent of crude fat.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Guaranteed Analysis is: Protein, not less than 43 per cent" and "43% Cotton Seed Cake or Meal," borne on the tags attached to the sacks containing the product consigned October 30, 1922, the statement, to wit, "Guaranteed Analysis: Protein, not less than 43 per cent," borne on the tags attached to the sacks containing the product consigned November 2, 1922, and the statement, to wit, "Guaranteed Analysis: Protein, not less than 43 per cent, Crude Fat, not less than 6 per cent," borne on the tags attached to the sacks containing the article consigned November 7, 1922, were false and misleading in that the said statements represented that the articles contained not less than 43 per cent of protein, and that the product consigned November 7, 1922, contained not less than 6 per cent of crude fat, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained 43 per cent of protein, and that the product consigned November 7, 1922, contained not less than 6 per cent of crude fat, whereas, in truth and in fact, the said article contained less than 43 per cent of protein, and the product consigned November 7, 1922, contained less than 6 per cent of crude fat.

On July 12, 1924, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$300 and costs.

HOWARD M. GORE, *Secretary of Agriculture.*

12646. Adulteration of chloroform. U. S. v. 60 Cans, et al., of Chloroform. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 16531, 16532, 16533. S. Nos. E-4003, E-4006, E-4007.)

On July 5, 1922, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 80 cans of chloroform, remaining in the original unbroken packages at Atlanta and Marietta, Ga., alleging that the article had been shipped from New York, N. Y., in part March 2, 1922, in part May 4, 1922,

and in part May 9, 1922, and transported from the State of New York into the State of Georgia, and charging adulteration in violation of the food and drugs act.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was turbid, upon evaporation it left a foreign odor, and it contained impurities decomposable by sulphuric acid and chlorinated decomposition products.

Adulteration of the article was alleged in the libels for the reason that it was sold by a name, to wit, "chloroform," recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopœia official at the time of investigation.

On July 26, 1924, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12647. Adulteration of butter. U. S. v. 32 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. No. 18808. I. S. No. 13160-v. S. No. E-4873.)

On June 30, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 32 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Paynesville Watkins, from Maple Lake, Minn., June 9, 1924, and transported from the State of Minnesota into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the article, butterfat, had been wholly or in part abstracted.

On July 16, 1924, H. W. Flemming, Cokato, Minn., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$800, in conformity with section 10 of the act, conditioned in part that it be reworked under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12648. Adulteration of frozen mixed eggs. U. S. v. 395 Cases of Frozen Mixed Eggs. Consent decree of condemnation and forfeiture. Product released under bond to be salvaged. (F. & D. No. 18381. I. S. No. 13128-v. S. No. E-4734.)

On February 13, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 395 cases of frozen eggs, at New York, N. Y., alleging that the article had been shipped by the Omaha Cold Storage Co. from Omaha, Nebr., November 19, 1923, and transported from the State of Nebraska into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 10, 1924, the Omaha Cold Storage Co., Omaha, Nebr., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,500, in conformity with section 10 of the act, conditioned in part that the good portion be separated from the bad portion and the latter destroyed or denatured.

HOWARD M. GORE, *Secretary of Agriculture.*